



# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>P210867PCT</b>	<b>FOR FURTHER ACTION</b> <div style="text-align: right;">See Form PCT/PEA416</div>	
International application No. <b>PCT/NL2004/000711</b>	International filing date (day/month/year) <b>08.10.2004</b>	Priority date (day/month/year) <b>09.10.2003</b>
International Patent Classification (IPC) or national classification and IPC <b>E01B1/00</b>		
Applicant <b>KONINKLIJKE BAM GROUP N.V.et al</b>		
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of 5 sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of 2 sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).		
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I      Basis of the opinion <input type="checkbox"/> Box No. II     Priority <input type="checkbox"/> Box No. III    Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV    Lack of unity of invention <input checked="" type="checkbox"/> Box No. V     Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI    Certain documents cited <input type="checkbox"/> Box No. VII   Certain defects in the international application <input type="checkbox"/> Box No. VIII   Certain observations on the international application		
Date of submission of the demand  <b>09.08.2005</b>	Date of completion of this report  <b>13.02.2006</b>	
Name and mailing address of the International preliminary examining authority:   <b>European Patent Office - P.B. 5818 Patentlaan 2          NL-2280 HV Rijswijk - Pays Bas          Tel. +31 70 340 - 2040 Tx: 31 651 epo nl          Fax: +31 70 340 - 3016</b>	Authorized Officer  <b>Movadat, R</b>  Telephone No. +31 70 340-4006  	

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10/575161

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/NL2004/000711

1AP20 Rec'd PCT/PTO 10 APR 2006

**Box No. I Basis of the report**

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements\* of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

**Description, Pages**

1-4 as originally filed

**Claims, Numbers**

1-9 received on 09.08.2005 with letter of 09.08.2005

**Drawings, Sheets**

1/3-3/3 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1-9
	No: Claims	
Inventive step (IS)	Yes: Claims	1-9
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

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**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.

PCT/NL2004/000711

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Re Item V

1.1 Document EP-A-0379148, which is considered to represent the relevant state of the art, discloses:

- a method for laying a section of railway comprising a railway track consisting of two rails and sleepers by means of which the rails are linked to one another, and a foundation on which the railway track is supported comprising the following steps; preparation of the foundation; supporting the railway track with banking some distance above the foundation; and pouring concrete between the sleepers and the foundation by means of several discharge openings that are alongside one another in the transverse direction (ie. viewed in the transverse direction of the track);

- a device for laying a section of railway with a railway track consisting of two rails as well as sleepers by means of which the rails are linked to one another, and a foundation on which the railway track is supported, comprising a chassis (40) that can be moved along and over the section of railway, which chassis has several discharge openings (92), the height of which can be adjusted relative to the chassis and which are alongside one another viewed in the transverse direction of the chassis, as well as means for feeding ready-mix concrete to said discharge openings.

1.2 The respective contributions of method claim 1 and apparatus claim 4 to the state of the art recite as follows: claim 1; making the banking of the railway track and the foundation different, and setting the discharge openings at heights that differ from one another; claim 4; the discharge openings can be set at heights that differ from one another. Consequently, claims 1 and 4, hence claims 2,3, 5-9 respectively appended thereon fulfill the criteria set forth in Article 33(2) PCT.

1.3 The problem underlying the invention is to allow working with horizontal foundations over the entire section of railway, i.e. including curved sections thereof.

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- 1.4 The feature in claim 1 of making the banking of a railway track and the foundation different is known in a similar method through DE-A-10048842. However the further feature in claim 1 of setting the discharge openings at heights that differ from one another, and the corresponding feature in claim 4 are neither obvious nor derivable from the state of the art rendered available, whereby all claims fulfill the criteria set forth in Article 33(3) PCT.